App. F. IX-4

Previous References 1927 S. Law

File No. 32-27

Serial No 4

P

Later References

Preserved

General and Revenue Secretariat.

Serial No

Part B for February 1928

SUBJECT

Notice from Mr. Khadri Venkata Krishnamacha of Madagiri regarding the acquisition of his lands on Tumkur-Pavagada road for Town Improvement.

Sd)

To

Mr. Khadri Venkata Krishnamacha
Madagiri
N.O. P.45.42 Dt 10.2.28

States that from the report received from the Revenue Commissioner in the matter he has no right to the lands in [redacted]

Mirza Nazeer Hussain
19/12/28

29.70
P

G. R. S. APP F.III—1] 192 .

GENERAL AND REVENUE SECRETARIAT.

( )

NOTES.

Laws File No. 32

FILE HEADING. Neuka —

Irokee from Mr. Khadri, Krishnamachar of Maddagiri re certain lands on Tumkur Pavagada Rd —

FROM Khadri Krishnamachar
Maddagiri, Tumkur

No. Nil Dated 10/12/27 Received 18/12/27

Diary No.	Enclos.	Spare copies	Serial No.

BRIEF ABSTRACT OF LETTER.

States that the cocoanut tope and land 4 yds in extent on the side of Tumkur Pavagada Rd belong to him and in the possession of his ancestors that the Amildar has given him ons— cocoanut trees and found that the land does not belong to him. That a suit will be filed unless his claim is settled and the land acquired lawfully —

NOTES AND ORDERS.

Subd for perusal. The Amildar seems to have considered the claims of the party and passed orders. Perhaps a report on the facts of the case may be called from the R.C

Draft Subd.

Laws

Legal Rem) 18/12

2) Appd 18/12

3) Issue 19/12

NOTES—First Sheet 14/12/27 14/12

Rem to be sent on 31/12/27 Subs

2970
3715

App. F. III—2]

General and Revenue Secretariat. | File No. | of 192

Serial No.

2 To the ~~D C Shimoga~~ Rev Comr Bloe
Rep 3238 of 16/12/27
Calls for a report on the facts of the case
Subd with a reminder

~~Reminder~~ 31/1/28
for 4/1

for 5/1
~~Rec'd~~ 365-D) 5/1/28

~~Call for report~~ 3 From Rev comr in 26:9:1-28 d 3/6-1-28 states that a detailed report will be sent after receipt of records of enquiry.

3 From the R.C in 2609/29-28 d 23/26-1-28 forwards the records with a report.

4) Subd for perusal. From the report it appears that petitioner's ancestors had been granted permission to plant avenue trees. There is no question of ownership of the land and the petitioner has no right to the lands. The R.C is of opinion that his right is solely confined to the trees & wood of the trees. He was given an opportunity to remove the trees but did not do so; it would be fair to refund to him the value of the trees. The petitioner may if approved be given an endorsement in terms of R.C's letter dated 26-1-28.

5) The notice received from the party flagged X.

NOTE—Contn. sheet.

WD 0330—GPB—60,000—24-5-27

30/1

31/1

APP. F. VI. Gl.]

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SUBJECT.....

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Section

File No.

Serial No.

Diary No. of letter replied to .....

No. 3238 (2)

General and Revenue Secretariat

( )

the 192

To

The R. C.

Bacepal

Date of issue 16/12/27

Signed by W. T. J. Ser

X. To be kept returned with the reply.

I have the hon

received Notice X dt 10-12-27

from Dr. Khadri Venkata Krishna

Reddyiri (Tumkur) stating that

certain lands on the Tumkur

Pavagada road belong to him

~~and were in the possession of his~~

~~ancestors, that the amildar~~

~~has held after enquiry that the~~

~~lands do not belong to him~~, that

the lands should be acquired in

a lawful manner on payment of adequate compensation and that the

Amildar's order regarding removal of the

over

List of enclosures.....

Copied by.....

Examined by .....

have been advised by the Amildar of Maddagiri to be taken up for town improvement purposes & the trees ordered to be removed.

16/12

Letter No A2/380 dated 16th January 1928 from the Deputy Commissioner, Tumkur District, to the Revenue Commissioner in Mysore.

With reference to your Memo No.C. 2609/27-28 dated 17th December 1927 calling for a report on the petition of Mr.Khadri Venkatakrishnamachar of Maddagiri stating that certain lands on the Tumkur-Maddagiri road belonging to him have been ordered by the Amildar of Maddagiri to be taken up for Town Improvement without being lawfully acquired etc., I have the honour to state that from the connected records of enquiry received from the S.D.O. Maddagiri with his No.App. 2127/8 dated 30th December 1927, it is seen that with a view to improve the existing town, the trees standing on either side of the Tumkur- Maddagiri and Goribidnur roads have been ordered to be cut and removed, and that the owners thereof were required to cut and remove the trees within a specified time.

The petitioner having failed to comply with the requisition of the Amildar to cut and remove certain trees belonging to the petitioner, the Amildar ordered that these trees should be sold by public auction and accordingly issued an istniyar on 31st October 1927 fixing the date of sale to 12th November 1927. On the date of sale i.e 12th December 1927, the petitioner presented an application to the Amildar protesting against the sale on the ground that the land and trees standing on either side of the Tumkur-Maddagiri road towards Pavagada extending from Murariswami Matt up to Kuttobande entirely belonged to him and stating that if the same had been required for the Town Improvement, the land may be acquired on payment of reasonable compensation to him.

The petitioner in support of his claim to the land as well as the trees thereon, has produced before the Amildar, three old orders relating to the years 1847, 1856 and 1860 issued from the Maddagiri taluk office and these are filed in the records. The order of 1856 goes to show that the land has been ordered to be given to

P.T.O.

merely for planting trees thereon in case the road is not diverted or obstructed thereby. The Amildar has in consideration of the fact that the land had been given to the petitioner

the petitioner, who has been so far enjoying the produce of the trees so planted by him thereon is not paying any jodi or kandayam to Government, rejected the petitioner's claim thereto and has issued an endorsement to him saying that he is not entitled to any compensation on the land in question over which he has no right whatever under the circumstances stated above. The petitioner has not produced any receipts to show that he has been paying either jodi or kandayam on the land in dispute.

The petitioner had also preferred an appeal against the above endorsement of the Amildar dated 27-11-1927 and this has been dismissed by the Sub Division Officer, Maddagiri in his order No. Mis. App. 2/27-28 dated 10th December 1927 on the ground that the petitioner has not been in possession and enjoyment of any specifie land, that he has neither in his khate the lands for which he puts forward his claim nor is he paying any assessment therefor and that the documents do not disclose that a particular land with measureme and boundaries was given to him.

The trees on the disputed land have been sold by auction on 12th December 1927 and the sale proceeds amounting to Rs 13/9/9 credited to Treasury on 14th December 1927.

The entire file of records bearing on the subject and the petiti received with your memo under advertance are enclosed.

Copy.

For Revenue Commissioner.

APP. F. VI. Gl.]

(1)

UBJECT.....

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Section Revenue

File No. 32-27

Serial No. 4

Diary No. of letter replied to .....

No. P 4542

General and Revenue Secretariat

( )

the 192

To

Dewan Khadr Venkatakrishnamachar

Maddagiri

Tumkur Dt-

Date of issue..... 10/12/27

Signed by..... M. N. S. for Sec.

With reference to your notice d 10-12-27 addressed to the Chief Secy to Govt, stating that certain lands in the Tumkur Pavagada road belonging to you have been ordered by the Amildar Maddagiri to be taken up for town improvement in the course of fulfilment being acquired, and that the avenue trees therein belong to you, I am directed to state that from a report read from the Deputy Commr in the matter from the Revenue Records, it appears that you have no claim against the Govt and that you have no right to the lands in question

over

List of enclosures.....

Copied by.....

Examined by .....

0562 -GPB—31,000—17-8-25

No. P 4543 Duly

Copy to R. & Inl. Records for Inf.

Copy to Govt for Inf.

Ack 4/1